

# **Truck and Bus Regulation**

## **Who Should Verify Reporting or Compliance**

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This summary describes how to obtain a certificate for reporting and how brokers, motor carriers, contractors, public agencies, developers, and others should verify the vehicles they hire or dispatch are in compliance with the Truck and Bus regulation or have reported compliance to the Air Resources Board. The regulation does not apply to state and local government vehicles, solid waste collection trucks, drayage trucks that transport marine cargo, and public transit buses because they are already subject to other regulations.

### **What are my responsibilities if I hire trucks as part of my business?**

Any in-state or out-of-state motor carrier, California broker, or any California resident including but not limited to contractors, public agencies, and developers, who operates or directs the operation of any vehicle subject to the Truck and Bus regulation shall verify that each hired company is in compliance with the regulation. This requirement does not apply to receivers or other parties that do not hire, nor direct the operation of any vehicle that is subject to the regulation.

### **How can I determine if the carrier that I hire has reported to ARB or is in compliance with the regulation?**

Owners that report to the Air Resources Board to use flexible compliance options must report information about all of the heavier vehicles in their fleet and can print a certificate that confirms they have reported to comply with the Truck and Bus regulation. Fleet owners that comply by using the engine model year schedule are not required to report but have the option to report company information and to print a certificate that states they are complying with the engine model year schedule. Either certificate can be used by a motor carrier, broker or other entity as evidence that they have confirmed a particular fleet has reported compliance with the regulation. If the fleet owner does not report to the ARB, then the fleet owner must provide other documentation to demonstrate the fleet complies with the engine model year schedules of the regulation. Motor carriers/brokers or other entities must obtain copies of the certificate or other proof of compliance annually. ARB also posts the names and motor carrier numbers of the fleets that have reported compliance at <http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php>.

### **What can I do if the company I hire does not have a certificate?**

If a fleet owner does not report, the motor carrier, broker or other entity should obtain a statement from the owner that verifies that they are aware of the Truck and Bus regulation (Title 13 CCR Section 2025) and are in compliance with the engine model year schedule. However, if a motor carrier, broker, or other entity is aware that one or more vehicles in that fleet are not in compliance with the Truck and Bus regulation and continues to use the services of the fleet, then they will be subject to penalties.

### **Do I need to verify compliance for any company I hire for services that require trucks or buses?**

Yes. If you hire a subcontractor for services of a truck, like dump trucks, concrete pumps, cranes, or charter buses, you are actively determining which companies and type of vehicle is needed to perform the service, and you will need to verify that the company you hire complies or has reported compliance to the ARB. For example, a contractor that directly hires a dump truck company to move debris from the roadside or hires a crane to lift a load, he must verify compliance.

### **If I order materials from a supplier, do I need to verify compliance for the shipper?**

No. If you are not actively involved in determining which transportation company will deliver the materials or products then you are not responsible for verifying that the fleet is in compliance. In other words, the receiver does not actively determine whose trucks will make the delivery. The shipper could use their own trucks or ultimately contract out the delivery to another motor carrier. Therefore, the receiver would not be responsible for verifying compliance.

### **Sometimes I work with other brokers to supplement a job, what documentation should I collect?**

The contractual arrangement with a broker determines who is responsible for hiring each truck and verifying compliance with the regulation.

*While this document is intended to assist fleets with their compliance efforts, it is the sole responsibility of fleets to ensure compliance with the Truck and Bus Regulation.*

- Example 1 - If you contract with a broker to get more trucks to a job, but you ultimately deal directly with the sub-haulers and pay them for their services, then you need to verify that the sub-haulers you hire have reported to the ARB or otherwise in compliance with the regulation.
- Example 2, - If you have an arrangement with another broker where the other broker hires and pays the sub-haulers when you need them, then the broker is responsible to verify compliance of the sub-haulers that he hires, and you are not because you do not determine who he hires.

**Do I need to verify compliance for a company I hire that uses trucks for their services but I do not directly determine the trucks they use?**

No. If a company, contractor, or private individual hires a company to provide a service, other than transportation, and are not actively involved in determining what kind of trucks will be used, they are not responsible to verify compliance with the regulation. For example, if you order supplies and parts you are not actively participating in determining who transports the materials, and if you order services such as plumbing or electrical work, you are not actively involved in determining the type of truck that will be used as part of the service.

**Where can I find more information about the regulation?**

Fact sheets, compliance tools and regulatory documents are available at [www.arb.ca.gov/dieseltruck](http://www.arb.ca.gov/dieseltruck) or by calling ARB's diesel hotline at (866) 6DIESEL (634-3735).